

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JOSEPH KENT,

Plaintiff,

v.

POOLTOGETHER, INC.; DHARMA LABS,
INC.; OZONE NETWORKS, INC.;
LEIGHTON CUSACK; KAIN WARWICK;
STANISLAV KULECHOV; DRAGONFLY
DIGITAL MANAGEMENT, LLC;
NASCENT US, LLC; NASCENT LIMITED
PARTNERSHIP; STICHTING MAVEN 11
FUNDS; GALAXY DIGITAL TRADING
HK LIMITED, LP; PARAFI CAPITAL, LP;
and COMPOUND LABS, INC.,

Defendants.

Case No. 21-cv-6025-FB-CLP

**DECLARATION OF KEVIN
BROUGHEL IN SUPPORT OF
DEFENDANT POOLTOGETHER INC.'S
MOTION (1) TO COMPEL
ARBITRATION, OR ALTERNATIVELY,
(2) TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT, OR
ALTERNATIVELY, (3) TO STRIKE
PLAINTIFF'S CLASS ALLEGATIONS**

I, Kevin P. Broughel, declare under penalty of perjury and pursuant to 28 U.S.C. § 1746,
as follows:

1. I am a partner in the law firm of Paul Hastings LLP, attorneys for Defendant PoolTogether, Inc. ("PoolTogether" or "Defendant"), in the above-captioned action.
2. I submit this declaration in support of PoolTogether's motions to compel arbitration, or alternatively, to dismiss Plaintiff's Second Amended Complaint, or to strike Plaintiff's class allegations.
3. Attached as Exhibit A are the true and correct copies of the terms popup displayed in *Nicosia v. Amazon.com, Inc.*, 834 F.3d 220, 240–42 (2d Cir. 2016).

4. Attached as Exhibit B are the true and correct copies of the terms popup displayed in *Meyer v. Uber Techs., Inc.*, 868 F.3d 66, 81–82 (2d Cir. 2017).

Dated: New York, NY
June 17, 2022

/s/ Kevin P. Broughel
Kevin P. Broughel